

AS

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/737,294	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zeev Kitov	2836	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/23/05.
2. ☒ The allowed claim(s) is/are 2 - 4, 6 - 8, 10 - 24, 26, 28 - 31.
3. ☒ The drawings filed on 16 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **REASONS FOR ALLOWANCE**

Examiner acknowledges a reception of the Remarks and Amendment filed on May 23, 2005. Claims 2 - 4, 6 - 8, 10, 14, 17, 18, 22, 26, 28 and 30 are amended. Claims 1, 5, 9, 25, 27 are deleted. Amendment has overcome the objection and rejections under 35 USC 102(e) and 35 USC 103(a).

An amended independent Claim 2 discloses, inter alia, a pad adapted for large area contact with one of said insole and said outsole, said pad having an electrically conductive portion that includes stitching that lies in said electrically conductive path. The closest reference for the claim is Bisson (US 6,549,391), which discloses many elements of the claim including an electrostatic circuit for footwear having an outsole, an insole and midsole between the insole and outsole, the electrostatic circuit including: a conductor path having a first end and a second end; a conductive pad attached to the first end of the conductive path; the conductive pad being attached to one of the outsole and the insole; the second end of the conductive path being attachable to the other of the

outsole and the insole; and at least one resistor electrically coupled to the conductive path. However, the plug of Bisson (element 34 in Fig. 1) is a metal element, which is not adapted for attachment by stitching. Therefore, the plug of Claim 1 is not disclosed.

The same limitation of plug being conductively attached by stitching is recited over again in all other independent claims 6, 18, 26, 28 and 30.


As per independent Claims 10 and 28, they recite, inter alia, a limitation of electrically conductive pad completely contained between said outsole and said midsole, while the conductive pads of the reference are defined as "conductive washers 34 having sharp teeth 36 protruding at right angles". Therefore, the reference does not cover the recited limitation of the Claims.

Allowability resides, at least in part, in the above-described limitations, which has not been disclosed in the Prior Art in a search.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose telephone number is (571) 272-2052. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272 – 2800, Ext. 36. The fax phone number for organization where this application or proceedings is assigned is (571) 273-8300 for all communications.

Z.K.  
07/15/2005



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